



CITY OF MEMPHIS

COUNCIL AGENDA

May 18, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 4, 2004)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** to amend Chapter 21, Sections 21-23.1 and 23.2 Code of Ordinance, City of Memphis, so as to incorporate recent changes in Tennessee Law Governing Child Passenger Safety, up for S E C O N D reading.

Holt

Ordinance No. 5059

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits allowable under Section 25-95 and 25-195, up for S E C O N D reading.

Mitchell

Ordinance No. 5060

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** establishing the Fiscal 2005 Operating Budget for the City of Memphis, up for S E C O N D reading.

Mitchell

Ordinance No. 5061

ORDINANCE appropriating the proceeds of the tax levy on the assesses values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2004 through June 30, 2005, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2004 through June 30, 2005, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2005, up for S E C O N D reading.

Mitchell

Ordinance No. 5062

ACTION REQUESTED: Adopt the ordinance on Second reading

5.
- ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879 as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee Home Rule Amendment so as to amend the Residency Requirement of the persons employed solely by the City, Section 190 and to submit the proposed ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 2, 2004, up for S E C O N D reading.

Marshall Ordinance No. 5063

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (none)

ZONING ORDINANCES- SECOND READING (none)

ENGINEERING

6.
- RESOLUTION approving final plat of TUSCANY PLACE SUBDIVISION, RE-SUBDIVISION OF LOT 11.

Case No. S 00-046cc
Contract No. CR-4868

Resolution approves the final plat located 390.63 feet east of Berryhill Road, south of U.S. Highway 64. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7.
- RESOLUTION approving final plat of BARRY FARMS, P.D., SECOND AMENDMENT, PHASE 9.

Case No. PD 03-342cc
Contract No. CR-4869

Resolution approves the final plat located on the south side of Lowrance Road, 714 feet west of Hacks Cross Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8.
- RESOLUTION approving final plat of BARKSDALE P.D.

Case No. PD 03-350
Contract No. CR-4870

Resolution approves the final plat located on the east side of Barksdale Street, 165.28 feet north of Evelyn Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9.
- RESOLUTION approving final plat of RIALTO SQUARE S/D.

Case No. S 03-009
Contract No. CR-4871

Resolution approves the final plat located on the south side of Macon Road, east of Blake Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION accepting J. E. WALKER HOMES SUBDIVISION and authorizing release of bond.

Case No. S 94-078
(Contract No. CR-3974)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Horn Lake Road at Fairway Avenue. The standard improvement contract was approved on August 15, 1995. Resolution also authorizes the release of the certificate of deposit in the amount of \$14,900.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION accepting WINCHESTER/ROSS C-P, PHASE 3 and authorizing release of bond.

Case No. Z 90-127cc
(Contract No. CR-3793)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Winchester Road and Ross Road. The standard improvement contract was approved on January 4, 1994. Resolution also authorizes the release of the letter of credit in the amount of \$13,800.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION accepting BUCKINGHAM FARMS P.D., PHASE 22, PART OF PARCELS D, G & H and authorizing release of bond.

Case No. PD 95-310cc
(Contract No. CR-4700)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on both sides of Meadowvale Drive, 881.84 feet north of Shelby Drive. The standard improvement contract was approved on January 22, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$11,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

13. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 04-602

Located on the east side of Leath Street; beginning 153 feet north of Poplar Avenue, containing 825 square feet in the Highway Commercial (C-H) District

Applicant: Frank Diccico

Request: Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. U.V. 04-02cc

Located on the east side of Riverdale Road; +34 feet south of Fernbank Lane, containing 33,105 square feet in the Agricultural (AG) District

Applicant: Bruce Wring
Delinor Smith - Representative

Request: Office

LUCB and OPD recommendation: REJECTION

C. Case No. C-N Appeal 04-01

Located on the east side of Gaither Street, 259 feet north of Kerr Avenue

Applicant: South Parkway East Kiddie Learning Center
Reginald Payton - Representative

Request: Locate parking in the front yard of the day care center expansion as currently prohibited by the Neighborhood Commercial (C-N) Zoning District Regulations

Recommendation: Take whatever action Council deems advisable

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: June 1, 2004



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Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

14. RESOLUTION approving an honorary street name change for Dr. J. Robert Bradley.
Mitchell

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION honoring West Rogers.
Taylor

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION recognizing the Landmarks Commission's Preservation Poster Awards.
Mitchell

ACTION REQUESTED: Adopt the resolution

17. **APPOINTMENTS**
Marshall

Memphis & Shelby County Airport Authority

Reappointments

Jim Ethridge
Jon Thompson

Memphis & Shelby County Music Commission

Appointment

Artemis (Peppa) Williams

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES

18. RESOLUTION appropriating \$1,683,215.00 for the purchase of five replacement pumpers, chargeable to FY 2004 CIP Project Number FS008 funded by G.O. Bonds General as part of the FY 2004 Capital Improvement Budget.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

19. RESOLUTION approving a transfer of an unimproved City owned, tax parcel. The property fronts on the south side of Southern Avenue west of Rozelle Street. The Glenview Community Development Partners, Inc., plans to build a single family house that is to be owner occupied.

Jones
2nd & Final
Reading

Resolution approves the request of Glenview Community Development Partners, Inc., for the City to transfer property to them for a fee of Fifty (\$50.00) Dollar. The Division of Housing and Community Development has approved the transfer of the subject property to this newly designated CHDO. The housing design which HCD approved for a single family low to moderate income housing unit that is to be owner occupied has been made a part of the Transfer Agreement.

The City property has 48 feet of frontage on the south side of Southern and a depth of 131. The Shelby County Assessor's Office identifies the City parcel as Ward 031, Block 027, Parcel 017. The subject property was acquired by the City in Tax Sale #13, Chancery Court File No. 9460-2 R.D., as Exhibit #2676. Per ordinance, the transfer of the subject parcel is subject to the request laying over for a second reading to allow interested parties to voice either their approval or opposition to the transfer. Resolution approval on the second reading shall be deemed approval of the transfer. Resolution also authorizes the Mayor to execute the necessary documents in connection with the transfer.

Directors of HCD and General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

20. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$221,224.00 in G.O. Bonds from Bridge Repair, Project Number PW176 to South Parkway over ICG Railroad (LM 1.00) (OS), Project Number PW389 for the City's share of estimated construction cost for State Project BRZE 9409 (70).

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$721,400.00 in G.O. Bonds for South Parkway over ICG Railroad and Second Streets, Project Number PW326 for the City's share of estimated construction cost for State Project BR-STP-2807 (4).

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION amending the FY 2004 Capital Improvement Budget by transferring an allocation of \$1,377,380.00 from Asphalt Paving, Project Number PW156 and \$88,000.00 from ADA Wheelchair Ramp Program, Project Number PW152 in G.O. Bonds to Resurfacing Various Streets FY04 Group 2, Project Number PW484 for a total appropriation of \$1,465,380.00 for a construction contract with APAC-Tennessee, Inc.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCE -THIRD AND FINAL READING

23. ORDINANCE amending Section 21-134A, “Definition of Cruising”, up for T H I R D and F I N A L reading.

Taylor

Ordinance No. 4953A

ACTION REQUESTED: Take whatever action Council deems advisable

ZONING ORDINANCES - THIRD AND FINAL READING

24. ORDINANCE rezoning the north side of Summer Avenue; +450 feet east of Isabelle Street, containing 10,454 square feet in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5055
Case No. Z 04-111

Applicant: John and Lisa Haley
John and Lisa Haley – Representatives

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

76 NOTICES MAILED ON MAY 7, 2004

25. ORDINANCE rezoning the northeast corner of Getwell Road and Willow Road @ rear of lot only, containing 3,123 sq. ft., in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5056
Case No. Z 04-114

Applicant: Wade H. Walker
Wade H Walker – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

68 NOTICES MAILED ON MAY 7, 2004

26. ORDINANCE rezoning the southeast corner of Ida Place and Mississippi Boulevard, containing 0.16 acre (6,969.60 sq. ft.) in the College and University (CU) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5057
Case No. Z 04-113

Applicant: Arvis & Sonja Latting, Jr.
Booker T. Middleton – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL, of the Neighborhood
Commercial (C-N) District

ACTION REQUESTED: Take whatever action Council deems advisable

109 NOTICES MAILED ON MAY 7, 2004

27. **ORDINANCE** rezoning the north side of Holmes Road; beginning 515+ feet west of Autumn Forest Drive; extending north to the southern termini of Autumn Evening Lane and Autumn Morning Lane, containing 14.01 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5058
Case No. Z 04-116cc

Applicant: Trimark, LLC
Mac Ghasemmi – Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

114 NOTICES MAILED ON MAY 7, 2004

DIVISION OF PLANNING & DEVELOPMENT

28. **RESOLUTION** approving a special use permit located on the southwest corner of Waverly Avenue and Semmes Street, containing 0.53 acre in the Local Commercial (C-L) District. (Held from 4/13)

Peete

Case No. SUP 04-202

Applicant: Joe B. Weston

Request: Undertaking Establishment

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

29. **RESOLUTION** approving a special use permit located on the northeast side of Lamar Avenue; +/-736.24 feet southeast of American Way, containing 4.35 acres in the plumbing wholesale supplier and contractor's office, shop and storage warehouse with outdoor storage in the Highway Commercial (C-H) District.

Peete

Case No. SUP 03-222

Applicant: James E. Duck
Prime Development Group, Inc. (Mike Fahy) - Representative

Request: Outdoor storage yard for plumbing contractor

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

30. **RESOLUTION** approving the Memphis Promenade Land Use Plan and implementation of the Riverfront Master Plan.

Hooks

ACTION REQUESTED: Take whatever action Council deems advisable

31. RESOLUTION approving a planned development located on the east side of Houston Levee Road; +/-4,700 feet north of Macon Road, containing 24.78 acres and is currently governed by Area 'K' of Lee Line Farms Planned Development (P.D. 99-346cc).

Peete

Case No. PD 04-314cc

Applicant: RUSCO
Prime Development Group, Inc. – Michael Fahy – Representative

Request: Planned development to permit 105 single family detached dwellings with lot sizes a minimum of 5,849 sq. ft. to the interior, 7,339 sq. ft. along the north boundary and 9,660 sq. ft. along the south boundary of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

47 NOTICES MAILED ON MAY 7, 2004

32. RESOLUTION approving a planned development located on the northwest corner of Latting Road and Mt. Airy Drive, extending north to the eastern terminus of Clark Landing Drive and Gray's Creek, containing 226.38 acres in the Agricultural (AG) and Agricultural Floodplain (AG[FP]) Districts.

Peete

Case No. PD 04-315cc

Applicant: Latting Road, LLC
Michael Fahy – Representative

Request: Mixed use development containing 180 – (3/4 to 1 acre) residential lots and 2 commercial lots totaling 20,000 square feet of office/retail space

LUCB recommendation: APPROVAL, subject to conditions

OPD recommendation: HOLD for redesign and additional study

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES MAILED ON MAY 7, 2004

33. RESOLUTION approving a planned development located on the northside of Raleigh-LaGrange Road; ±2,365 feet west of Collierville-Arlington Road, containing 20.089 acres in the Agricultural (AG) District.

Peete

Case No. P.D. 04-316cc

Applicant: Denson C. Napier, Jr.
Dalhoff Thomas Daws - Representative

Request: A planned development to create nine (9) single family detached lots (minimum lot size 2.0 acres)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES MAILED ON MAY 7, 2004

34. RESOLUTION approving a planned development located on the southern terminus of Windyke, Clubview, and Greenbelt Drives; ±170 feet south Glen Eden Drive, containing 111 acres in the Single Family Residential (R-S10), Single Family Residential Flood Plain (R-S10[FP]), Single Family Residential (R-S8), Single Family Residential Flood Plain (R-S8[FP]), Townhouse Residential (R-TH), Townhouse Residential Flood Plain (R-TH[FP]), Multi-Family Residential (R-ML) and Multi-Family Residential Flood Plain (R-ML[FP]) Districts.

Peete

Case No. PD 03-353cc

Applicant: Belz Investco, GP
Ronald Harkavy - Representative

Request: Planned development to create a mixture of lot sizes ranging between a minimum of 3,500 square feet to a maximum of 10,000 square feet in accordance with the bulk regulations of the R-S and R-TH Districts

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

324 NOTICES MAILED ON MAY 7, 2004

35. RESOLUTION approving a planned development located on the west side of Belvedere Blvd.; ±710 feet north of Madison Avenue, containing 12,200 sq. ft. (0.28 acre) in the Multiple Family Residential (R-MM) District. (Held from 4/27; 5/4)

Peete

Case No. PD 03-364

Applicant: Wayne Martin

Request: Eight (8) multi-family residential units in two separate buildings

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

63 NOTICES MAILED ON APRIL 16, 2004

36. RESOLUTION approving a street/alley closure Taxiway Road located between Rudder Road and Sanderwood Drive, Hanger Road & Rudder Road – up to 103 and 110 feet east of Taxiway Road, Sanderwood Drive – up to 238 feet east of Taxiway Road, containing 1.726 acres in the Light Industrial (I-L) District. (Held from 5/4)

Peete

Case No. SAC 03-615

Applicant: Memphis Shelby County Airport Authority
SR Consulting, LLC – Representative

Request: Close & Vacate Street Rights-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON APRIL 13, 2004

37. RESOLUTION approving a street/alley closure beginning on the north side of Kilarney Avenue and extending +203 feet therefrom and beginning south on the side of Holmes Road and extending +669 feet therefrom, containing 81 acres.

Peete

Case No. SAC 04-605

Applicant: William H. Thomas
Richard Fields - Representative

Request: Partial Street Closure

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

256 NOTICES MAILED ON MAY 7, 2004

38. RESOLUTION approving a special use permit located on the north of Watauga Avenue; ±575 feet east of Highland Avenue, containing 20,000 sq. ft. (0.46 acre) in the Single-Family Residential (RS-6) District. (Held from 4/27; 5/4)

Peete

Case No. SUP 04-205

Applicant: Wesley Highland Nursing Homes, Inc.
Cindy Reaves, SR Consulting, LLC – Representative

Request: **Access to adjoining nursing home;** Build entrance/exit driveways
Residential home for the aged: Include assisted living facility in site plans

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

77 NOTICES MAILED ON APRIL 16, 2004

ADJOURNMENT